

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DE LAGE LANDEN FINANCIAL  
SERVICES, INC.,

Plaintiff

**VS.**

DIGITAL PARTNERS OF ARKANSAS, INC.,  
F/K/A RALPH CROY & ASSOCIATES, INC.  
AND RALPH CROY.

## Defendants

CIVIL ACTION

NO. 02-CV-4877

MOTION OF E. DAVID CHANIN FOR LEAVE TO WITHDRAW  
APPEARANCE FOR DEFENDANT DIGITAL PARTNERS OF ARKANSAS, INC.

The undersigned, E. David Chanin ("Movant"), pursuant to Rule 5.4 of the Local Rules of Civil Procedure, hereby moves this Court for leave to withdraw his appearance for defendant Digital Partners of Arkansas, Inc., and in support thereof avers the following:

1. Defendant Digital Partners of Arkansas, Inc. (“Digital Partners”), is an Arkansas corporation with a former principal place of business located at 6204 Dividend Drive, Little Rock, Arkansas.
2. Movant is a partner in the law firm of Tannenbaum & Chanin, LLP, with offices in Philadelphia, Pennsylvania.
3. Digital Partners formerly was represented by Ed Daniel, IV, Esquire, of the Law Offices of Ed Daniel, IV, a law firm in Little Rock, Arkansas.

4. Mr. Daniel, acting on behalf of Digital Partners and with its authorization, engaged Movant to represent Digital Partners in this civil action and provided information, direction and authorization to Movant on all matters in this civil action. The Certification of Ed Daniel, IV, Esquire, is attached hereto as Exhibit A and incorporated herein.

5. Movant entered his appearance for Digital Partners, Inc. in the above-captioned civil action by filing a stipulation on August 26, 2002.

6. Digital Partners filed a bankruptcy petition on April 17, 2003, Case No. 4:03-bk-14639, in the United States Bankruptcy Court for the Eastern District of Arkansas (Little Rock).

7. Digital Partners' bankruptcy case was dismissed on November 14, 2003. On information and belief, the case was dismissed on the motion of the United States Trustee and a secured creditor on the ground that the debtor failed to file its operating reports and other required documents.

8. Movant has conferred with Digital Partners' bankruptcy counsel who advised Movant that Digital Partners has ceased operations and that James R. Young has left the Little Rock area without any forwarding address or telephone number.

9. Mr. Daniel also believes that Digital Partners is no longer operating its business. He has written letters to Digital Partners at both its last known business address and the last known address of the principal owner and officer of Digital Partners, James R. Young. He has also called the last known business and personal telephone numbers of James R. Young and has called the Mr. Young's father to

request that he ask Mr. Young to call Mr. Daniel. To date, Digital Partners has not responded to Mr. Daniel's calls or letters, and has not communicated to Mr. Daniel or Movant for over one year.

10. Mr. Daniel can no longer provide any direction or information to Movant on behalf of Digital Partners because Mr. Daniel cannot communicate with his client, Digital Partners.

11. Digital Partners has failed to meet its obligation to pay the outstanding invoices of Movant's firm, and there is no reason to believe that the fees will or can be paid in the future.

12. Good cause exists for the withdrawal of Movant's appearance pursuant to Rule 1.16 of the Rules of Professional Conduct.

13. There has been a breakdown of the attorney/client relationship which makes it impossible for Movant to continue acting as counsel for Digital Partners in a manner consistent with the Rules of Professional Conduct.

14. Movant is unable to consult with Digital Partners to obtain the client's decisions and otherwise permit the client to make decisions regarding this litigation.

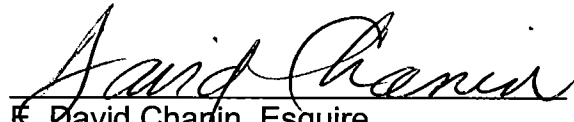
15. Digital Partners has failed to meet its obligations to compensate counsel, to communicate with counsel and to make decisions regarding the litigation.

16. The continued representation of Digital Partners will result in an unreasonable financial burden on Movant.

17. Plaintiff does not object to the relief requested in this petition.

WHEREFORE, E. David Chanin requests that this Court grant his motion for leave to withdraw his appearance for Digital Partners of Arkansas, Inc.

Respectfully submitted,

A handwritten signature in cursive script, reading "E. David Chanin".

E. David Chanin, Esquire  
Tannenbaum & Chanin, LLP  
1515 Market Street, 10<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 523-5300

Date: September 7, 2004